

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



December 8, 2006

Regulation Package #1103-28

CDSS MANUAL LETTER NO. CCL-06-07

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,  
DIVISION 12, CHAPTER 3, FAMILY CHILD CARE HOMES

**Regulation Package # 1103-28****Effective 9/10/06****Sections 102416.2 and 102416.3, 102419 and 102423**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/FamilyChil\\_627.htm](http://www.dss.cahwnet.gov/ord/FamilyChil_627.htm).

These regulation changes establish and specify reporting requirements for Family Child Care Homes (FCCH) licensees pursuant to Assembly Bill (AB) 685, Chapter 679, Statutes of 2001. The regulation changes require licensees to notify parents/authorized representatives and the California Department of Social Services (CDSS) of any unusual incident or injury to any child while in care in a licensed FCCH. They also include reporting requirements to enhance the health and safety of children in care. Additionally, these regulation changes require licensees to provide the Family Child Care Consumer Awareness Information, LIC 9212, to the parent/authorized representative of children at the time of their admission into a FCCH.

Adopting Section 102416.2 ensures that FCCH licensees will notify the Department and parents/authorized representatives of a child in care who is the subject of an unusual incident or injury that requires medical attention. Adopting Section 102416.3 ensures FCCH licensees report to the Department any plans for alterations to existing building and grounds. Adding these sections increases the Department's ability to protect children in care.

Amending Sections 102419 and 102423 implements the Department's policy that all parents/authorized representatives must receive the Family Child Care Consumer Awareness Information to assist them in making informed choices about the placement of their children.

These regulations were considered at the Department's public hearing held on August 17, 2005.

## **FILING INSTRUCTIONS**

**Revisions to all manuals are shown in graphic screen.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-06-06. The latest prior manual letter containing Family Child Care Homes regulation changes was Manual Letter No. CCL06-06.

	<u>Page(s)</u>	<u>Replace(s)</u>
Attachments	Pages 1 and 2	Page 1 and 2
	Pages 35.1 through 35.6	Pages 35.1 and 35.2
	Pages 42.3 and 42.4	Pages 42.3 and 42.4
	Pages 43 through 45	Pages 43 through 45
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**FAMILY CHILD CARE HOMES**

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## FAMILY CHILD CARE HOMES

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### Article 7. Physical Environment (Reserved)

**102416.1 PERSONNEL RECORDS****102416.1**

- (a) Personnel records shall be maintained on each employee and shall contain the following information:
- (1) Employee's full name.
  - (2) Driver's license number if the employee is to transport children.
  - (3) Date of employment.
  - (4) Date of birth.
  - (5) Current home address and phone number.
  - (6) Documentation of completion of training on preventative health practices as required by Section 102416(c).
  - (7) Past experience, including types of employment and former employers.
  - (8) Duties of the employee.
  - (9) Termination date if no longer employed.
  - (10) A signed and dated copy of the Notice of Employee Rights [LIC 9052, (Rev. 03/03)] as required by Section 102416(a) and Section 102417.
  - (11) A signed statement regarding their criminal record history as required by Section 102370(c).
  - (12) Documentation of either a criminal record clearance or a criminal record exemption as required by Section 102370(d).
- (b) Personnel records shall be maintained for all volunteers and shall contain the following:
- (1) For volunteers that are required to be fingerprinted pursuant to Section 102370:
    - (A) A signed statement regarding their criminal record history as required by Section 102370(c).
    - (B) Documentation of either a criminal record clearance or a criminal record exemption as required by Section 102370(d).

**102416.1 PERSONNEL RECORDS (Continued)****102416.1**

- (c) All personnel records shall be kept for at least three years following termination of employment/volunteer work.
- (d) All personnel records shall be maintained at the child care home and shall be available to the licensing agency for review.

NOTE: Authority cited: Sections 1596.81 and 1596.871, Health and Safety Code. Reference: Sections 1596.81, 1596.871, 1596.885 and 1596.8897, Health and Safety Code.

**102416.2 REPORTING REQUIREMENTS****102416.2**

- (a) The licensee shall report the following information the Department by telephone or fax within the Department's next business day and during normal working hours (8am to 5pm).
  - (1) If the applicant or licensee operates a foster family home as defined in Health and Safety Code Section 1502(a)(5) or a certified family home as defined in Health and Safety Code Section 1506(d).
  - (2) Any change in household composition including adults moving in or out of the home and anyone living in the home who reaches his or her 18th birthday.
- (b) The licensee shall report to the Department any of the events as specified in Health and Safety Code Sections 1597.467(b)(1)(A) through (b)(1)(C) that occur during the operation of the family child care home.
  - (1) Medical treatment means treatment by a medical professional, as defined in Section 101152(m).
  - (2) Any child absence means any instance where a child in care is missing. For example, any child in care who wanders away from the Family Child Care Home, is lost during an outing, or does not return from school, shall be reported even if the child is later found safe.

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- (3) Health and Safety Code Section 1597.467(b)(1) provides in part:

"A report shall be made to the Department...following the occurrence during the operation of a family day care home of any of the following events:

- (A) Death of any child from any cause.
- (B) Any injury to any child that requires medical treatment.
- (C) Any unusual incident or child absence that threatens the physical or emotional health or safety of any child."

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**102416.2 REPORTING REQUIREMENTS (Continued)****102416.2**

- (c) In addition to the events specified in Health and Safety Code Sections 1597.467(b)(1)(A) through (b)(1)(C), the licensee shall report the following events to the Department:
- (1) Any suspected child abuse or neglect, as defined in Penal Code Section 11165.6, of any child in care, in addition to reporting requirements pursuant to Penal Code Section 11166.
  - (2) Fires or explosions occurring in or on the premises of the family child care home.
    - (A) Within 24 hours, the licensee additionally shall report to the local fire authority, or in areas not having organized fire services, to the State Fire Marshal.
  - (3) A communicable disease outbreak when determined by the local health authority.
  - (4) Poisonings.
- (d) The licensee shall report to the Department as provided by Health and Safety Code Sections 1597.467(b)(1) and (2).

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- (1) Health and Safety Code Section 1597.467(b)(1) provides in part:

"A report shall be made to the department by telephone or fax during the department's normal business hours before the close of the next working day following the occurrence during the operation of family day care home of...the...events."

- (2) Health and Safety Code Section 1597.467(b)(2) provides:

"In addition to the report required pursuant to paragraph (1), a written report shall be submitted to the department within seven days following the occurrence of any events specified in paragraph (1). The report shall contain all of the following information:

- (A) Child's name, age, sex and date of admission.
- (B) Date and nature of the event.
- (C) Attending physician's name and findings and treatment, if any.
- (D) Disposition of the case."

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**102416.2 REPORTING REQUIREMENTS (Continued)****102416.2**

- (e) The written report shall be either Form LIC 624B (8/06) Unusual Incident/Injury report-Family Child Care Home, or a letter that includes the following information, in addition to that required by Health and Safety Code Sections 1597.467(b)(2)(A) through (b)(2)(D):
- (1) Child's date of birth.
  - (2) Child's or parent's primary language, (e.g., English, Spanish, Chinese, Russian).
  - (3) Time the incident or injury happened.
  - (4) Date that the parent or authorized representative was notified their child was injured or subjected to any act of violence.
  - (5) Description of how the incident or injury happened and name of the child(ren) or adult(s) that may have been involved as well as any steps taken to prevent the incident or injury from recurring.
  - (6) Name and telephone number of any physician or other health care provider that examined the child.
  - (7) Any agency notified, person contacted, date of the contact, and the telephone or fax number of that agency or person.
- (f) As soon as possible but no later than the same business day, the licensee shall notify a child's parent or authorized representative regardless of the injuries or acts that affect that child as specified in Health and Safety Code Section 1597.467(a).
- (1) Any injury suffered by a child in care shall be reported to that child's parent or authorized representative regardless of treatment by a medical professional.
  - (2) Reportable acts of violence include, but are not limited to, those that occur whenever any child in care is a victim of, or subjected to witnessing, others' use of great physical force resulting in bodily harm, or dangerous activity, such as illegal drug use or gunfire.

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- (3) Health and Safety Code Section 1597.467(a) provides in part:

"Whenever any licensee...has reasonable cause to believe that a child in his or her care has suffered any injury or has been subjected to any act of violence while under the licensee's care, the licensee shall, as soon as possible, report that injury or act of violence to the parent, parents, or guardian of that child."

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**102416.2 REPORTING REQUIREMENTS (Continued)****102416.2**

- (g) In addition to the requirements of Health and Safety Code Section 1597.467(a), no later than the same business day, the licensee shall notify a child's parent or authorized representative of the events to be reported to the Department pursuant to Sections 102416.2(b) and (c) that affect that child.
- (h) The licensee shall keep a copy of the letter or completed LIC 624B (8/06) (Unusual Incident/Injury Report - Family Child Care Home) in the child's record for the time period specified in Section 102421(a)(1).

NOTE: Authority cited: Sections 1596.81, Health and Safety Code. Reference: Sections 1502, 1506, 1596.72, 1596.73, and 1597.467, Health and Safety Code; Sections 11165.6 and 11166, Penal Code.

**102416.3 ALTERATIONS TO EXISTING BUILDING OR GROUNDS****102416.3**

- (a) Prior to making alterations or additions to a family child care home or grounds, the licensee shall notify the Department of the proposed changes, including, but not limited to, the following:
  - (1) Conversion of a garage (either attached or detached) into a "child care" room.
  - (2) Room additions to the family child care home.
  - (3) Installation of in-ground or above-ground swimming pools, spas, fish ponds, decorative water feature, fountains or other bodies of water.
  - (4) Construction of exterior decks or porches.
  - (5) Construction of play equipment including swing sets/climbing structures.
  - (6) Any change from an area of the family child care home previously identified as "off limits" to an area where care and supervision will be provided to children in care.
- (b) The licensee shall provide the Department with a copy of an inspection report when an inspection is required by the local building inspector as a result of the alteration, addition or construction.

NOTE: Authority cited: Sections 1596.81, Health and Safety Code. Reference: Sections 1596.72 and 1596.73, Health and Safety Code.

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<b>102418</b>	<b>IMMUNIZATIONS</b>	<b>102418</b>
	(Continued)	

- (2) The parents or guardians sign and date the back of the California School Immunization Record, PM 286 (6/95), which is also used for family day care homes, under the "Personal Beliefs Affidavit."
- (f) As required by the California Code of Regulations, Title 17, Section 6035(b), a child who does not meet any of the requirements in Sections 102418(c), (d), or (e), shall not be admitted to a family day care home.
- (g) The licensee shall document each child's immunizations as required by the California Code of Regulations, Title 17, Section 6070, and shall maintain such documentation for as long as the child is enrolled.
- (1) This requirement includes updating each child's PM 286 (6/95) when the child is due to receive required immunizations after enrollment in the family day care home.

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- (h) California Code of Regulations, Title 17, Section 6070, specifies in pertinent part that:
  - (1) The family day care home shall record each pupil's immunization on the California School Immunization Record, PM 286 (6/95).
- (i) California Code of Regulations, Title 17, Section 6075, specifies in pertinent part that each family day care home licensee report annually to the Department of Health Services as follows:
  - (1) The family day care home shall file a report with the state and local health departments on the immunization status of new entrants annually or when needed to determine immunization status such as during an epidemic or potential epidemic. The form to be used for this report is:
    - (A) Family day care homes: ANNUAL FAMILY DAY CARE HOME IMMUNIZATION SURVEY [DHS 8529 (1/96)].

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- (j) The licensee shall not be required to document immunizations of children also enrolled in a public or private elementary school.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.81, 1596.813, 1597.05, 1597.541, and 120325 - 120380, Health and Safety Code; Sections 6000-6075, California Code of Regulations, Title 17.

**102419      ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED  
REPRESENTATIVE'S RIGHTS****102419**

- (a) The licensee shall inform parents or authorized representatives of children in care of their rights, which include, but are not limited to, the following:
- (1) To enter and inspect the family child care home in accordance with Health and Safety Code Section 1596.857.
  - (2) To file a complaint against the licensee with the local licensing office in accordance with Health and Safety Code Section 1596.853.
  - (3) To review the family child care home's public file kept by the local licensing office in accordance with Health and Safety Code Section 1596.859.
  - (4) To review at the family child care home, reports of licensing visits and substantiated complaints against the licensee made during the last three years in accordance with Health and Safety Code Section 1596.859.
  - (5) To complain to the local licensing office and inspect the family child care home without discrimination or retaliation in accordance with Health and Safety Code Section 1596.857.
  - (6) To request in writing that a parent not be allowed to visit a child or take a child from the family child care home, provided the custodial parent has shown a certified copy of a court order pursuant to Health and Safety Code Section 1596.857.
  - (7) To receive from the licensee the name, address and telephone number of the local licensing office in accordance with Section 1596.874.
  - (8) To be informed by the licensee, upon request, of the name and type of association to the family child care home for any adult who has been granted a criminal record exemption, and that the name of the person may also be obtained by contacting the local licensing office.
- (b) The licensee shall post the PUB 394 (8/02), Family Child Care Home Notification of Parents' Rights Poster in a prominent, publicly accessible area in the family child care home at all times children are in care.
- (c) The licensee shall provide to the parent or authorized representative the LIC 995E (6/05), Caregiver Background Check Process form.
- (d) At the time of acceptance of each child into care, the licensee shall provide the child's parent or authorized representative with a copy of the notice Family Child Care Home Notification of Parent's Rights, LIC 995A (8/06), the Caregiver Background Check Process, LIC 995E (6/05), and the Family child Care Consumer Awareness Information, LIC 9212 (10/05).

**102419      ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED  
REPRESENTATIVE'S RIGHTS (Continued)      102419**

- (1) The licensee shall request the child's parent or authorized representative to sign and date the bottom portion of the notice form LIC 995A (8/06), which acknowledges that the parent or authorized representative has received and read the LIC 995A. The bottom portion of this form must be kept in the child's file as proof that the parent or authorized representative has been notified of his or her rights and received a copy of the Caregiver background Check Process, LIC 995E (6/05), and the Family Child Care Consumer Awareness Information, LIC 9212 (10/05).
- (2) Whenever a parent or authorized representative makes a request pursuant to Section 102419(a)(8), the licensee shall note, date, and initial the request in the child's file. The licensee shall request that the parent or authorized representative also initial the notation documenting the request.
- (3) Reserved
  - (A) Upon a finding of noncompliance with a plan of correction for violation of Sections 102419(a)(8), (b), (c), (d), (d)(1), or (d)(2), the Department shall impose a civil penalty of fifty dollars (\$50) per day until the deficiency is corrected.
  - (B) Regardless of whether the licensee complies with an initial plan of correction in the time allotted, if the licensee subsequently violates any provision of Sections 102419(a)(8), (b), (c), (d), (d)(1), or (d)(2) within 12 months of the initial citation, the Department shall assess a civil penalty of \$150 plus an assessment of \$50 per day until the deficiency is corrected.
  - (C) Regardless of whether the licensee complies with the deficiency in Section 102419(b)(3)(B), if the licensee subsequently violates any provision of Sections 102419(a)(8), (b), (c), (d), (d)(1), or (d)(2) within 12 months of the citation and assessment in Section 102419(b)(3)(B), the Department shall assess a civil penalty of \$150 plus an assessment of \$150 per day until the deficiency is corrected.
- (e) Upon presenting identification, the parent or authorized representative of a child in care has the right to enter and inspect the family child care home without advance notice during the family child care home's normal operating hours.
  - (1) When inspecting the family child care home, the parent or authorized representatives shall be respectful of the children's routines and programmed activities.
- (f) No family child care home shall discriminate or retaliate against any child or any child's parent or authorized representative because the parent or authorized representative has exercised his or her right to inspect the family child care home or has lodged a complaint with the Department against the family child care home.

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**102419      ADMISSION PROCEDURES AND PARENTAL AND AUTHORIZED REPRESENTATIVE'S RIGHTS (Continued)      102419**

- (1) If the licensee denies a parent or authorized representative the right to enter and inspect the family child care home or retaliates against any child or any child's parent or authorized representative, the Department shall issue the licensee a warning citation.
- (2) For any subsequent violation of this right, the Department shall take appropriate action including, but not limited to, license revocation and imposition of a civil penalty upon the home of fifty dollars (\$50) per violation.
- (3) The person present who is in charge of the family child care home shall determine whether to deny access to the following:
  - (A) An adult whose behavior presents a risk to children present in the home; and
  - (B) A parent who is subject to a court order denying him/her contact with the child if so requested by the child's parent or authorized representative.

(g) If a child's parent or authorized representative refuses to sign the LIC 995A (8/06), a dated notation to that effect, containing the parent or authorized representative's name and telephone number, shall be kept in the child's record.

(h) The licensee shall provide a copy of the Department Issued Addendum to Notification of Parent's Rights (Regarding Removal/Exclusion) (LIC 995B Rev. 05/03) sent by the Department, that is still in effect, to one parent or authorized representative of every child when the parent or authorized representative arranges for child care services or on the first day the child receives care, whichever is first.

- (1) Upon notice from the Department that the excluded/removed individual may return to the facility, the licensee shall provide a copy of the Addendum to Notification of Parent's Rights (Regarding Reinstatement) (LIC 995C Rev. 03/01) to one parent or authorized representative of every child in Care within one day of receipt of the notice and addendum from the Department.

- (2) The licensee may provide the parent or authorized representative with the Family Child Care Home Explanation of Removals/Exclusions and Reinstatement, LIC 995D (5/03).

(i) The licensee shall obtain a signed and dated receipt from one parent or authorized representative that acknowledges that he/she was given a copy of the addendum specified in Sections 102419(h) and (h)(1) and maintain copies of the receipt in each child's record for the time period specified in Section 102421(a)(1).

(j) Copies of the signed receipt shall be available to the Department as provided in Section 102391(d).

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.853, 1596.857, 1596.859, 1596.874, 1597.07, 1597.30, and 1597.56, Health and Safety Code.



**102421 CHILD'S RECORDS****102421**

- (a) The licensee shall maintain, in each child's record, the signed and dated notice form required in Section 102419(d).
  - (1) The licensee shall keep the signed and dated notice form for at least three years following termination of service to the child.
- (b) The licensee shall maintain, in each child's record, a copy of the emergency information card required in Section 102417(g)(7).
- (c) In any case in which a licensee releases a minor to a peace officer pursuant to Section 305 of the Welfare and Institutions Code, the licensee shall provide the peace officer with the address and telephone number of the minor's parent or authorized representative in order to enable the peace officer to make the notification required by Section 308 of the Welfare and Institutions Code.

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1596.72, 1596.73, 1596.857, 1596.872, 1596.876 and 1597.30, Health and Safety Code.

**102423 PERSONAL RIGHTS****102423**

- (a) Each child receiving services from a family child care home shall have certain rights that shall not be waived or abridged by the licensee regardless of consent or authorization from the child's authorized representative. These rights include, but are not limited to, the following:
  - (1) To be treated with dignity in his/her personal relationship with staff and other persons.
  - (2) To receive safe, healthful, and comfortable accommodations, furnishings, and equipment.
  - (3) To have parents or guardians informed by the licensee of the provisions of the law regarding complaints and the procedures for registering complaints confidentially, including, but not limited to the address and telephone number of the licensing agency's complaint unit.
  - (4) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature, including, but not limited to: interference with eating, sleeping or toileting; or withholding shelter, clothing, medication or aids to physical functioning.
- (b) Repealed by Manual Letter No. CCL06-07, effective 9/10/06

NOTE: Authority cited: Section 1596.81, Health and Safety Code. Reference: Sections 1597.30, Health and Safety Code.